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Oct 31 '84

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Robert L. Lundak

Serial No.: 247,656

Group No.: 172

Filed: March 26, 1981

Examiner: J. Tarcza

For: HIGH FUSION FRE-
QUENCY FUSIBLE LYMPHOBLASTOID
CELL LINE

Appeal No.: 588-11

Commissioner of Patents and Trademarks
Washington, D.C. 20231

#25

NOTICE AND REASONS FOR APPEAL TO U.S. COURT OF APPEAL FOR THE FEDERAL CIRCUIT (EX PARTE) (37 CFR 1.301 AND 1.302)

Responsive to the decision of the Board of Appeals dated August 21, 1984
(check and complete the following, if applicable)

and to the decision on the request for reconsideration dated October 31, 1984.

Appellant(s) hereby provide Notice and Reasons for Appeal to the U.S. Court of Appeals for the Federal Circuit

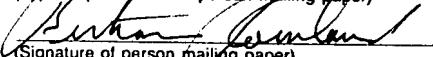
NOTE: The time for filing the notice and reason for appeal expires sixty days from the date of the decision or, if a request for reconsideration was filed, then the time expires at the end of the sixty-day period or thirty days after action on the request, whichever is later. 37 CFR 1.304.

Extensions of time up to four months in accordance with 37 CFR 1.136 can be obtained. 37 CFR 1.304.

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this Notice of Reasons for Appeal and the documents referred to as attached therein are being deposited with the United States Postal Service on this date November 21, 1984 in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10, Mailing Label Number B69062337 addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231

Bertram I. Rowland
(Type or print name of person mailing paper)


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Bertram I. Rowland
TOWNSEND AND TOWNSEND
By Bertram I. Rowland
Bertram I. Rowland

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Appellant(s) reasons for appeal are as follows

The Board of Appeals erred in affirming the Examiner's decision finally rejecting Claims 1 and 2, the only claims in the above-referenced patent application, under 35 U.S.C. §112 for failure to have had the claimed cell line deposited at an independent depository on or before the March 26, 1981 filing date of the application.

(Use Supplemental page(s), if necessary)

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For the forgoing reasons, it is respectfully submitted that the Board of Appeals' decision dated August 21, 1984 and (if applicable) their decision on Request for Reconsideration dated October 31, 1984 are erroneous and should be reversed.

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SIGNATURE OF ATTORNEY

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Plus _____ added page(s)

(Notice and Reasons of Appeal to the CAFC—page 3 of 3)